

Mr. DASCHLE. That was the whole reason we agreed to be as expeditious as possible. I am going to vote against final passage. I hope a number of my colleagues will join me in doing that. But that doesn't mean I do not want a bill. I have said repeatedly on the Senate floor I want a bill, but I want the right bill. The only way we are going to get to the right bill is to continue to work on it. We are not going to do that this afternoon. We are not going to do that tomorrow. We are not going to do that Monday. We are now going to have to wait until Tuesday. So that just delays for another week the prospects of meaningful compromise and meaningful resolution of the outstanding questions.

Mr. REID. But the leader and other Senators voted for a version of this bill yesterday; is that not true?

Mr. DASCHLE. Absolutely. We voted for a version the President can sign yesterday. He said he would sign it. I am very hopeful he will sign a bill. We can't go through the rest of this year without some resolution to this issue. But it is disappointing to me that we are not in a position to resolve this matter today, this afternoon, so that he can sign the bill.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished leader is manifestly correct.

I was told, let's not even have a cloture vote, because looking at this measure, there could be three more cloture votes. And viscerally, not next Tuesday, I hope we do not vote until Tuesday 2001, the way I feel about it. But I entered public service to get some things done. You win some; you lose some. You have to go along.

This is embarrassing to the body. Here we are, the Senate, talking about all the important things to get done and everything else of that kind. So we yield. We talk Senators into not offering their amendments. We finally get time agreements on all of the amendments on this side so no one has been in a proliferation or stretchout or extended debate. We were even forced to vote early last night to make sure we cleared the way to finish this afternoon.

All we have is Senator SESSIONS' amendment and Senator GREGG's amendment, two amendments that could be disposed of in the next hour. In fact, the manager and our chairman, Senator MCCAIN, has been yielding back his time and ready to vote. So it could be less than an hour. By 2:30 this afternoon, we could be finished with the bill.

My question is, why do we want to wait and palaver and waste time and not go on to some of these important measures this afternoon? We are here and we are ready to go.

I thank the minority leader and the whip for their particular comments, because we have been riding all the Senators pretty hard to limit the amendments and to have time agreements. Let's get moving. Senator MCCAIN wanted to move the bill. We said so. I know the Republican screen all week long said they are going to finish this afternoon. I can't understand the change of pace now, to do nothing but talk to each other all afternoon. What a distressing situation this is, and no votes tomorrow and on Monday and just wait until Tuesday.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we continue to attempt to negotiate a way in which to deal with the Boxer amendment in a way that we hope can be worked out, Senators GREGG and SESSIONS then be recognized to offer those amendments, and that the bill be advanced to third reading, substitute the House bill for it and then vote on final passage at 2:15 on Tuesday. We will then begin on Monday, as I have been given to understand it, to do the energy and water appropriations bill, which we may very well be able to complete on Monday.

I do find it interesting that the Senator from South Carolina, who successfully, on two occasions, prevented this current bill from coming up at all by filibusters and saw to it that cloture could not be invoked, is now so anxious to finish it.

We think this is a very good bill. I said yesterday I hoped that it was stronger, but it is the result of negotiations that have involved Members of both parties. To let the country and the industry look at it over the weekend and to allow both sides on the outside of the Senate to communicate their desires to Senators is a highly appropriate method of dealing with the bill. We will soon propound a unanimous consent proposal to the end that I have just described, and we hope that that unanimous consent will be granted.

We will finish most of the debate, I suspect, the debate on all of the amendments to this bill, before this evening, and then go forward with final passage on Tuesday.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as I understand the Senator from Washington, he has not propounded the request. Listening to the request, this Senator is perfectly willing to go along with every element of it, save and excepting right after the disposition of the Sessions and Gregg amendments, we then vote on final passage.

I don't understand the delay, because those two amendments can easily be

handled within the hour. So we can vote early this afternoon and go on with the business of the Senate. We have very important work to do. Yes, I was the one who held it up, but it didn't hold up any consideration of other things, I can tell you that. They immediately kept filing cloture, as they will to other measures. I don't feel badly about that, because it wasn't really a holdup.

When they finally persuaded me they had the votes and they were going to really move with this thing, then I got into a movement disposition and persuaded our colleagues on this side of the aisle to limit their amendments, to give time agreements. Now we are ready to go, and here at the last minute, for no good reason at all, other than the bemusement of the distinguished Senator from Washington, he won't agree to vote when we get through with all amendments, which will be the Sessions and the Gregg amendments. Once they are disposed of, let's go right ahead to final passage.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

#### SENATOR STEVENS' 12,000TH VOTE

Mr. BYRD. Mr. President, last afternoon, Senator STEVENS cast his 12,000th rollcall vote. Many of my colleagues joined in commending Senator STEVENS on this very worthwhile and considerable accomplishment. I was not on the floor at that time. Today, I join in commending Senator STEVENS on having cast his 12,000th vote.

Since arriving in the U.S. Senate on December 24, 1968, Senator STEVENS has worked tirelessly on matters relating to defense and national security. Having served in World War II, as a pilot in the China-Burma-India theater, Senator STEVENS was awarded the Distinguished Flying Cross twice, two air medals, and the Yuan Hai medal awarded by the Republic of China.

He joined the Appropriations Committee on February 23, 1972, and 3 years later he began service on the Defense Appropriations Subcommittee, where he has served continuously since that time, and served with great distinction. Since he became chairman of the Defense Appropriations Subcommittee in 1981, Senator STEVENS has served either as chairman or ranking member of that vitally important subcommittee. As of January 1997, Senator STEVENS assumed additional responsibilities that come with being named chairman of the Committee on Appropriations.

I have worked by his side on many, many occasions on subcommittees, particularly on the Interior Appropriations Subcommittee. I have served with him on matters that have come before the Committee on Appropriations, where I now serve as his ranking

member. In addition, for many years, I have been privileged to have the honor of serving with Senator STEVENS on the Arms Control Observer Group, as well as on the British-American Parliamentary Group.

Senator STEVENS works indefatigably to ensure that his State of Alaska receives appropriate consideration in all matters that come before the Senate. He does that work and does it well. The people of Alaska can be preeminently proud of the service that their Senator, the chairman of the Appropriations Committee of the Senate, performs. He works for Alaska every day, and he works for the Nation every day.

Not only do I consider him one of the most distinguished and one of the most capable Senators with whom I have served in more than 41 years now, I also count him as a dear and trusted friend. I was in the Middle East when TED STEVENS was in the airplane crash in which he lost his wife, and I called him from the plane in which I was flying in the Middle East on that occasion. He was in the hospital. I talked with him and, of course, I was glad that he had survived the tragic accident.

TED STEVENS is a friend who can be always trusted. A handshake with TED STEVENS is his bond, and his word is his bond. I have always found him to be very trustworthy. I have always found him to be very fair, very considerate. He is a gentleman. I think all of my colleagues on my side on the Appropriations Committee treasure their friendship with TED STEVENS. So I congratulate him on his new milestone and what has been and continues to be a most remarkable career in public service.

There are many things about TED STEVENS that we can admire. I admire his spunk. I was saying to someone on my staff today that he would be one whale of a baseball team manager. He would take on all of the umpires if he thought they didn't call the plays right. He sticks up for what he believes. He has the courage of his convictions, and I certainly would not want to be a player on his team in the locker room if I lost a ball game through some error on my part.

He is a hard driver. He works hard every day. He represents his people in the Senate, and he reverences the Senate and, perhaps best of all, he is, as I have already said, a gentleman. He thinks, as I do, that there are some things more important than political party. The U.S. Senate happens to be one of them, as far as I am concerned, and, I believe, as far as he is concerned.

Let me now say that I am extremely proud of TED STEVENS. He is a wonderful family man. He loves his family; he loves his daughter, Lily, and his other children.

Let me close by what I think is an appropriate bit of verse written by Wil-

liam Wordsworth. The title of it is, "Character of the Happy Warrior." I will not read the entire poem, but extracts from it I think will be useful in this regard:

Who is the happy Warrior? Who is he  
That every man in arms should wish to be?

\* \* \* \* \*

'Tis he whose law is reason; who depends  
Upon that law as on the best of friends;  
Whence, in a state where men are tempted  
still

To evil for a guard against worse ill,  
And what in quality or act is best  
Doth seldom on a right foundation rest,  
He labors good on good to fix, and owes  
To virtue every triumph that he knows:  
—Who, if he rise to station of command,  
Rises by open means; and there will stand  
On honorable terms, or else retire,  
And in himself possess his own desire;  
Who comprehends his trust, and to the same  
Keeps faithful with a singleness of aim;  
And therefore does not stoop, nor lie in wait  
For wealth, or honors, or for worldly state;

\* \* \* \* \*

And, through the heat of conflict, keeps the  
law  
In calmness made, and sees what he foresaw;  
Or if an unexpected call succeed,  
Come when it will, is equal to the need:

\* \* \* \* \*

'Tis, finally, the Man, who, lifted high,  
Conspicuous object in a Nation's eye,  
Or left unthought-of in obscurity—  
Who, with a toward or untoward lot,  
Prosperous or adverse, to his wish or not—  
Plays, in the many games of life, that one  
Where what he most doth value must be won:  
Whom neither shape of danger can dismay,  
Nor thought of tender happiness betray;  
Who, not content that former worth stand  
fast,

Looks forward, preserving to the last,  
From well to better, daily self-surpassed:  
Who, whether praise of him must walk the  
earth

Forever, and to noble deeds give birth,  
Or he must fall, to sleep without his fame,  
And leave a dead unprofitable name—  
Finds comfort in himself and in his cause;  
And, while the mortal mist is gathering,  
draws  
His breath in confidence of Heaven's ap-  
plause:

This is the happy Warrior; this is He  
That every Man in arms should wish to be.

That, Mr. President, in my judgment,  
is TED STEVENS, "The Happy Warrior."

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is his misfortune, the Senator from Alaska, to not be here on the floor to listen to those eloquent and gracious remarks of the Senator from West Virginia. So I think it falls to me, inadequate as I am, to thank the Senator from West Virginia for those thoughts and to say that it reminds those of us who have not been here quite so long of the magnificence of the personal relationships that are created here by broad-minded Members like the Senator from West Virginia and the Senator from Alaska over the years, even though I suspect that during many of those 12,000 roll-calls—literally thousands of them—they voted on opposite sides, some-

times with views that were very strongly held.

I think it is only the Senator from West Virginia and perhaps the President pro tempore who will cast more votes than Senator STEVENS, who I note now is here, and I would rather he speak for himself.

But I say, Mr. President, through you to the Senator from Alaska, that I was privileged to hear the eloquent remarks about the Senator from Alaska on this occasion that the Senator from West Virginia made. They do great credit to him, and they do equal credit to the Senator who made them.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for his very gracious remarks.

Mr. STEVENS. Mr. President, I am embarrassed.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My daughter just graduated from high school. We had a little event. They called to tell me that my good friend, the distinguished Senator from West Virginia, was making remarks about my having followed him to this floor for 12,000 times. We have been partners for a long time. I am grateful to the Senator from West Virginia for his comments. I look forward to reading them. I am sad that I was not here to listen to them. But knowing the Senator, I know they were eloquent, and I am proud to be the recipient of his comments.

Thank you.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank and join in with the comments made by our distinguished leader, Senator BYRD from West Virginia.

No one knows the history and appreciates the history of the Senate better than Senator BYRD and the compliment thereof. He reminded me, when he talked about the fatal crash that Senator STEVENS was involved in, I had just traveled with Senator STEVENS and his first wife, Annie. We were in Cairo, Egypt, out on the Nile to a conference with Anwar Sadat. We stopped in Madrid. I will never forget it. My wife and Annie took a quick trip, as we were being briefed. There was the purchase of a cut-glass bowl, and Annie Stevens had that in her lap, and that plane went head over heels. It broke Senator STEVENS' arm, and it cost her life, but there was not a crack in the bowl.

I can tell you from the early days when I first got up here in 1966 that I used to hold the hearings for Senator Bob Bartlett up there in Seattle with Dixie Lee Ray and John Lindberg and all on oceanography and what have you, and then go up to Alaska to Point Barrow.

There is no closer friend in the Senate to me than TED STEVENS of Alaska. I am his admirer. I like his fights. Senator BYRD was more tactful about describing it, but I am telling you right

now, when he gets worked up, get out of the way right now, because he is going to get it done one way or the other, and he is not yielding. He has that conviction of conscience that really guides all of us in our service up here.

Over the many years, we visited, we traveled, we worked together, and we have been identified both on the Appropriations Committee and on the Commerce Space Science Transportation Committee. Senator STEVENS long since could have been chairman of that Commerce Space Science Transportation Committee, but he elected to take over at the appropriations level. As a result, Alaska is well served. I can tell you that. It is filled up.

They used to say about my backyard with Mendel Rivers that if he got one more facility, Charleston, SC, was going to sink below the sea. I think second in line for that kind of result would be Alaska as a result of the diligence for the local folks.

I will never forget; we traveled up to Point Barrow. The Natives had erected a cross and a statue to Annie Stevens who was lost in that wreck.

I want to emphasize that more than anything else—of course, his wonderful wife, Catherine, and his daughter, Lily—that he might make 12,000 votes, but he will miss votes, I can tell you, to be there with Lily. In fact, we had planned during the August break to take another survey trip, and he said: Oh no. Lily goes to Stanford then. We have to put it off until later.

You have to admire that about an individual, as busy as we get and as wound up as we get with the important affairs of state, to never forget the personal responsibilities, and the love and that Ted has for his family, and, of course, for each of us in the Senate. He is most respectful. He works both sides of the aisle. As a result of that, he is most effective.

I yield the floor.

#### Y2K ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from California is now back on the floor, and we are dealing with her amendment.

There was an extensive effort to reach agreement on a form of that amendment. Regrettably those efforts were not successful. There simply is a significant difference of opinion on the policies that it propounds. I intend to speak for a relatively short period of time in opposition to the amendment. I am certain that the Senator from California would like to speak for her amendment. I know the Senator from Connecticut is here, and I know the Senator from California wishes to speak.

Shortly after that succession is completed, if there is no one else who wishes to participate in the debate, there will be a motion to table the Boxer amendment.

The Boxer amendment requires, as a part of the remediation, that a manufacturer make available to a plaintiff a repair or replacement at cost for any product first introduced after January 1, 1990, and at no charge under the same circumstances for a product first introduced for sale after the end of 1994.

The amendment is overwhelmingly too broad. For example, the Internal Revenue Service allows, at most, 5, and in many cases only 3, years in which to write off the cost of products of this nature, determining that is their useful life. If they are used in a business, therefore, they have been depreciated to a zero value in every case—not every case covered by this matter, but in the vast majority of the cases covered by this amendment.

In many of these cases, under the second subsection, it simply means that the plaintiff is entitled to absolutely free replacement. That computer, if it is a home computer, may long since have been relegated to the attic, unused. Yet the original manufacturer would have to replace it. In many cases, the new parts would not work. A 1990 computer is not very readily upgradeable. It does not have the speed or the memory of a 1999 computer. Y2K problems are probably the least of the problems with which such a manufacturer is faced.

I spoke yesterday on the bill as a whole, the tremendous way in which our lives and technology have been changed by this revolution; 1990 is several generations ago with respect both to hardware and to software. How do we go about doing this? Precisely what products are covered?

We simply have a situation in which the amendment is too broad and missing in specificity. We have an attempt to amend a bill that is designed to discourage litigation and to limit litigation that, if adopted, will significantly increase the amount of litigation and the number of causes of action that would take place without any legislation at all.

In other words, this amendment would create new causes of action that probably do not exist anywhere under present law. Under those circumstances, while we should certainly encourage remediation and fixes, this might well have exactly the opposite impact. We have all kinds of duties listed in here with respect to manufacturers—and to others, for that matter. It is not only unnecessary to add this new duty and this new potential for causes of action, this proposal is 180 degrees in opposition.

Therefore, with regret and sorrow that we were not able to work it out, I

must for myself, and I suspect for a majority of the Senate, object to the amendment and trust we will soon have a vote on that subject.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for not moving to table at this time so I have an opportunity to respond to his comments.

I want the Senate to understand those who are supporting this bill came back to this Senator with a suggestion on how I could change the amendment so it would be agreeable to them. We agreed with their changes. We said fine, we are willing to back off a little bit.

Guess what happened? My colleagues on the other side of the aisle still would not accept it.

It is not the Senator from California who was unwilling to make the amendment more workable to the other side. It was the other side who recommended a change. When we said OK, they decided it was still unacceptable.

I don't quite understand it. Now there is going to be a motion to table this amendment.

I see the Senator from Illinois is on the floor. I wanted to make sure he understood we were negotiating to try to reach an agreement. We were offered some changes. Even though we did not think they were perfect, we accepted them. The other side, however, continues to resist.

I don't know whom they checked with, but it was not the consumers, because this is the only proconsumer amendment that I thought had a chance to make it into this bill.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. DURBIN. Did I understand the Senator from California to say this was part of the original legislation on this subject, the idea that the businesses which bought the computers and the software that didn't work would at least have some help in repairing it so they could keep their businesses going and not shut down and cost jobs? Is it correct that this was originally part of the proposal?

Mrs. BOXER. The Senator is exactly right.

The proposal I had in the form of this amendment was taken almost verbatim from a bill that was offered by two Republican House Members, CHRIS COX and DAVID DREIER, very good friends of the business community. The concept for my amendment was essentially taken from that bill.

Mr. DURBIN. Will the gentle lady yield?

I think the Senator makes a very good point. The Senator said at various times this is a consumer amendment, this is a probusiness amendment.

Mrs. BOXER. No question.

Mr. DURBIN. We are talking about small and medium-sized businesses, dependent on computers, that discover,